

Patent
Attorney Docket: AUS920010335US1
(IBM/0015)

REMARKS

Applicant thanks the Examiner for conducting a telephone interview regarding the office action to which this Response is filed. The issues discussed during the telephone interview are included in the following remarks.

Various claims stand objected to for informalities. Applicant has amended the claims to correct the informalities. Reconsideration and withdrawal of the objection is respectfully requested.

Claims 1-33 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,721,542 issued to Anttila, *et al.* Anttila discloses a system and method for modifying the behavioral characteristics of a mobile station terminal according to a functional location. (Anttila, Abstract). The system includes a small transmitter, or button, which utilizes short range radio transmissions to define a functional location. *Id.* The small transmitter defines a functional location and continuously transmits a simple device ID code. (Anttila, col. 4, lines 7-50). Upon receipt of a device ID from a button, the mobile station queries the network server for the actions it should take which correspond to the button ID. (Anttila, col. 5, lines 30-40).

Applicant claims a method and computer program product comprising, *inter alia*, transmitting a wireless control message within the given environment from a central control computer and establishing a wireless communication link between the control computer and a mobile electronic device upon the device entering the environment and receiving the control message. (Claims 1 and 18). Applicant further claims providing instructions to the mobile device to provide the mobile device with access to one or more features associated with the central control computer. *Id.*

MPEP § 2131 provides:

“A claim is anticipated only if each and every element as set forth in

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the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990).

Furthermore, the Federal Circuit held in *Paperless Accounting, Inc. v. Bay Area Rapid Transit Systems*, 804 F.2d 659 (Fed. Cir. 1986): "[A] §102(b) reference must sufficiently describe the claimed invention to have placed the public in possession of it." *Id.* at 665.

Applicant respectfully asserts that a *prima facie* case of anticipation has not been presented because Anttila fails to disclose each and every element of the invention in as complete detail as claimed. First, Anttila merely discloses that the mobile device first establishes contact with the central server after having received a message from a button. It is not until *after* the *mobile device* of Anttila contacts the server that a communication link is established between the computer and the mobile device. Applicant claims that the central control computer first transmits a wireless control message and after the mobile electronic device *receives the control message from the central control computer*, communication between the mobile device and the computer is established as a link. (Claims 1, 18).

Because Anttila does not disclose each and every limitation claimed by Applicant, a *prima facie* case of anticipation has not been established. Reconsideration and withdrawal of independent claims 1 and 18, as well as those depending therefrom, is respectfully requested.

Furthermore, Anttila does not disclose that the central computer provides instructions to the mobile device to provide the mobile device with access to one or more features associated with the central computer. (Claims 1 and 18). While Anttila discloses that the mobile device may have features disabled, or may download games to the mobile phone, Applicant has been unable to find any disclosure within Anttila that the mobile device is provided with instructions to allow the mobile

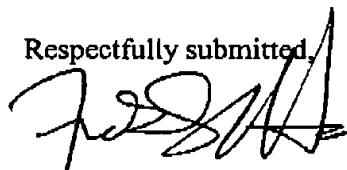
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device to access one or more features associated with the central computer that is not merely downloading software to the mobile phone for use by the mobile phone. For example, a game merely downloaded onto the mobile device would not be a feature *associated* with the central computer. As stated in other claims, these features could include features that were disabled or features that the mobile device never had.

Because Anttila does not disclose allowing the mobile device to access one or more features associated with the central computer, Anttila fails to disclose each and every limitation claimed by Applicant; therefore, a *prima facie* case of anticipation has not been established. Reconsideration and withdrawal of independent claims 1 and 18, as well as those depending therefrom, is respectfully requested.

Applicant respectfully asserts that all claims are now in condition for allowance and respectfully requests that a Notice of Allowance be timely issued. If the Examiner determines that a telephone interview would expedite the examination of this application, the Examiner is invited to call the below signed attorney at the convenience of the Examiner. In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/IBM/0015 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,



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